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June 28, 2006

VIA OVERNIGHT MAIL AND ECFs

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

**Re: WUNL-DT, Winston-Salem, NC
MB Docket No. 03-15
Satellite Station Notification**

Dear Ms. Dortch:

On behalf of the University of North Carolina ("UNC"), licensee of Digital Television Station WUNL-DT, Channel 32, Winston-Salem, North Carolina, this letter shall serve as notification that WUNL-DT operates as a satellite station of WUNC-DT, Chapel Hill, North Carolina, and is therefore not subject to the July 1, 2006, interference protection deadline. *See* Public Notice, DA 06-1255 (June 14, 2006).

In any event, and out of an abundance of caution, UNC also hereby requests a waiver of the Commission's "use-it-or-lose-it" replication deadline of July 1, 2006, in accordance with the Commission's June 14, 2006, Public Notice, DA 06-1255. *See Second Periodic Review of the Commission's Rules and Policies Affecting the*

Conversion to Digital Television, Report and Order, FCC 04-192 (Rel. Sept. 7, 2004) (“*DTV R&O*”), at ¶¶ 83, 87.

As certified in its Form 381 filing (FCC File No. BCERCT-20041105AEM), WUNL-DT intends to operate its post-transition DTV station based on its replication facility (263 kW and 504 meters HAAT). WUNL-DT is presently operating its DTV facility pursuant to its DTV license in FCC File No. BLEDT-20020717AAH (197.5 kW and 479 meters HAAT) and has received a tentative DTV channel designation on its current DTV channel (Channel 32). As such, the Commission’s “use-it-or-lose-it” replication deadline would require WUNL-DT to serve 100 percent of the number of viewers predicted to be served by its replication facility. UNC believes that WUNL-DT’s current operation covers approximately 95 percent of the number of viewers predicted to be served by its replication facility.

To achieve its replication facility, UNC must install WUNL-DT’s antenna at 504 meters HAAT. However, pursuant to FCC File No. BMLET-20041104ART, WUNL’s NTSC antenna is top mounted at 504 meters HAAT on the same tower that is specified for in WUNL-DT’s replication facility. Because UNC’s NTSC antenna will need to remain in operation during the DTV transition, it is physically impossible for UNC to construct its DTV top-mount replication facility at 504 meters until the top-mount NTSC antenna is removed at the end of the DTV transition.

Were UNC required to fully comply with the July 1, 2006, deadline, UNC would have to expend considerable costs to move its NTSC antenna to a lower level on the tower. These costs, which would include the cost of purchasing an NTSC side-mount antenna, installation and reworking the transmission line, would be “sunk costs” in equipment and labor that will only be useful until the DTV transition is complete. Furthermore, because compliance with the July 1, 2006 deadline would require UNC to lower its NTSC antenna, compliance would result in a loss of NTSC service to its viewers.

In the *DTV R&O*, the Commission stated that it “will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown.” *DTV R&O*, at ¶ 87. Stations “that cannot build out for reasons beyond their control” may seek a waiver. *DTV R&O*, at ¶ 83. The instant case clearly presents a circumstance beyond UNC’s control, as it is physically impossible to top mount WUNL-DT’s antenna until the end of the DTV transition at which time WUNL’s top-mount NTSC antenna may be removed.

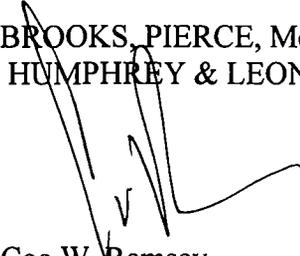
UNC is, of course, dedicated to digital television and projects that it will be able to commence operation with its replication facility at the end of the transition.

Ms. Marlene H. Dortch
June 28, 2006
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If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Coe W. Ramsey
*Counsel to the
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cc: Shaun Maher, FCC (via email)